

REMARKS

Applicants respectfully request reconsideration of this application as amended.

Without concession as to the propriety of the outstanding rejection, the independent claims have been amended to recite that the multi-order spectrum comprises a plurality of simultaneously obtained diffraction orders.

Applicants respectfully submit that neither Carlson nor Li teach or suggest this feature. For example, and as previously discussed, Carlson does not obtain a multi-order spectrum from a sample of an unknown material nor does Li teach or suggest comparing the multi-order spectrum to the multi-order spectra for known materials and identifying the sample based on a correlation between the spectrum from the sample and the spectra of known materials. At least based on these distinctions, and since the references either alone or in combination do not teach the recited combination of features, Applicants respectfully submit the pending claims are patentably distinguishable from the cited references.

Accordingly, a Notice of Allowance is respectfully requested.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T2315-908017US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be

required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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